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FM AMEMBASSY CANBERRA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5152
INFO RUEHDT/AMEMBASSY DILI IMMEDIATE 0115
RUEHKL/AMEMBASSY KUALA LUMPUR IMMEDIATE 2071
RUEHLI/AMEMBASSY LISBON IMMEDIATE 0968
RUEHWL/AMEMBASSY WELLINGTON IMMEDIATE 4667
RUEHBN/AMCONSUL MELBOURNE IMMEDIATE 2755
RUEHBA/AMCONSUL PERTH IMMEDIATE 1470
RUEHDN/AMCONSUL SYDNEY IMMEDIATE 0685
RHHMUNA/CDR USPACOM HONOLULU HI IMMEDIATE
RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE
RUEHGV/USMISSION GENEVA IMMEDIATE 1789
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0350

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SUBJECT: EAST TIMOR: AUSTRALIAN BRIEFING ON LOBATO ARREST

REF: A. EAST TIMOR CONFERENCE CALL OF 6/21/2006

1B. DILI 322

Classified By: Acting POLCOUNS Tamara Fitzgerald, for reasons 1.4 (b) and (d).

11. (C/NF) Department of Foreign Affairs and Trade (DFAT) Acting East Timor Director provided us a briefing on the arrest of former East Timor Interior Minister Rogerio Lobato on June 22. Ferguson confirmed that a prosecutor, possibly a UN-provided international prosecutor, from the East Timor Office of Prosecutor-General Longuinhos Monteiro had arrested Lobato at his residence on June 22 and had escorted him to the Dili District Court. In an order signed by an official of the Prosecutor-General's Office, Lobato was charged with four counts, including (a) crimes against the state; (b) conspiracy; (c) association with prohibited organizations; and (d) intention to eliminate certain groups. Contrary to press reports, Ferguson said, Australian Defence Force (ADF) personnel did not take part in the arrest and did not accompany Lobato to the District Office, although they were guarding Lobato's residence. Lobato put up no resistance and went peacefully, according to Ferguson.

12. (C/NF) At the time of DFAT's readout, Lobato remained at the Dili District Office, where a judge was trying to decide whether he should be remanded to Becora Prison, where provisions had been made to accommodate him, or be held under house arrest. At issue was whether Lobato's security could be guaranteed at Becora, Ferguson said. The Office of the Prosecutor-General had advised that Lobato could be held for a maximum of 30 days, within which time the Prosecutor was required to present evidence.

13. (C/NF) Further to ref A discussion, we sought clarification from Ferguson as to whether the Australian Government had earlier declined to arrest Lobato as a matter of policy. Ferguson responded that Australia's maintained an overall policy of neutrality in East Timor's political dispute and continued to urge all parties to adhere to East Timor's laws and constitutional processes. He said he was unaware of any specific GOA policy to avoid arresting Lobato or other senior government figures, adding that, in the case of Lobato, he understood the timing of the arrest was driven

by the Office of the Prosecutor-General.

14. (C/NF) Ferguson said the ADF and other elements of the multinational Joint Task Force had sufficient authority to detain and arrest East Timorese under the terms of their agreements with the GOET. The GOA wanted the East Timor Parliament to enact additional legislation, however, that would give Australian forces broader protection from prosecution for activities carried out in furtherance of their duties than were available under the Rules of Engagement and SOFA agreements.

STANTON